### **Price Agreement Amendment**

THE COLUMN TO SECULO

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS CAPITOL HILL PROVIDENCE RI 02908

Page 1 of 1 Printed: 7/14/2006

MEDTRONIC INC
11811 WILLOWS RD NE
REDMOND WA 98053
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**AUTO. EXTERNAL DEFIBRILLATOR** 

Amendment Date: 07/13/2006 Original Award Date: 01/30/2006

Buyer: MILLER, ALMA E
Phone #: (401) 222 - 2142 ext. 124
FOB: F.O.B., Destination

С

Terms: Net 30

Change Order Number

1

Award Number **68M00343825** 

Effective Period: 01/01/2006 - 12/31/2006

S ADMINISTRATION
H MASTER PRICE AGREEMENT
I RELEASE AGAINST RI MPA

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RELEASE AGAINST RI MPA

ADMINISTRATION

MASTER PRICE AGREEMENT
RELEASE AGAINST RI MPA

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Change Order Note: CHANGE ORDER #1

	Department	epartment			Bid Number	C/O Req#
ADMINISTRATION		N	MPA-370	B05872		
tem	Class-Item	Bid #	Requisition #	•	Unit	Unit Price
	CHANGE ORDER	#1				
	CHANGE TO PO #	#68M00343825 DATE	D 1/30/06			
	ADD THE LIFEPAI ATTACHED)	K 1000 DEFIBRILLAT	OR TO THE MPA. (PAGES			

This Notice of Award/Purchase Order is issued in accordance with the specific requirements described herein and the State's Purchasing Regulations and General Conditions of Purchase, copies of which are available at www.purchasing.state.ri.us.

Delivery of goods or services as described herein shall be deemed acceptance of these requirements.

STATE PURCHASING AGENT/DESIGNEE				
ACCOUNTING	DATE RELEASED			

Catalog#	Description	Price
Kit # 1 99425-000005	LIFEPAK 1000 defibrillator-Graphical Display only, AHA 2005 Standard Setup, Includes one LIMnO2 non-rechargeable battery, one complete carrying case w/shoulder strap, two pair QC REDI-PAK electrodes and ship kit.	\$1,950.00
<b>Kit # 2</b> 99425-000005	LIFEPAK 1000 defibrillator-Graphical Display, AHA 2005 Standard Setup, Pediatric Ready, Includes one LIMnO2 non-rechargeable battery, one complete carrying case w/shoulder strap, two pair QC REDI-PAK electrodes, Infant/Child Reduced Energy Electrodes Starter Kit and ship kit.	\$2,000.00
Kit # 3 99425-000014	LIFEPAK 1000 defibrillator-ECG Display only, AHA 2005 Standard Setup, Includes one LIMnO2 non-rechargeable battery, one complete carrying case w/shoulder strap, two pair QC REDI-PAK electrodes and ship kit	\$2,095.00
<b>Kit # 4</b> 99425-000014	LIFEPAK 1000-ECG Display, AHA 2005 Standard Setup, Pediatric Ready, Includes one LIMnO2 non-rechargeable battery, one complete carrying case w/shoulder strap, two pair QC REDI-PAK electrodes, Infant/Child Reduced Energy electrodes Starter Kit and ship kit	\$2,145.00
<b>Kit # 5</b> 99425-000014	LIFEPAK 1000-ECG Display, AHA 2005 Standard Setup, 3-wire, Includes one LIMnO2 non-rechargeable battery, one complete carrying case w/shoulder strap, two pair QC REDI-PAK electrodes, 3-wire monitoring cable, accessory pouch for 3-wire cable, one pair LIFE-PATCH electrodes (3/pk) and ship kit	\$2,200.00
<b>Kit # 6</b> 99425-000014	LIFEPAK 1000-ECG Display, AHA 2005 Standard Setup, Pediatric Ready, 3 Wire, Includes one LIMnO2 non-rechargeable battery, one complete carrying case w/shoulder strap, two pair QC REDI-PAK electrodes, Infant/Child Reduced Energy Electrodes Starter Kit, 3-wire monitoring cable, accessory pouch for 3-wire cable, one pair LIFE-PATCH electrodes (3/pk) and ship kit	\$2,250 00
11141-000100	LIMnO2 Non-Rechargeable Battery Replacement Kit	\$246 50
11425-000003	Complete soft shell carrying case	\$126.65
11425-000002	Replacement shoulder strap	\$29.75
11260-000023	Hard shell, watertight carrying case	\$225.25
11998-000292	Semi-recessed wall cabinet with alarm, steel finished cabinet w/ white trim	\$226 95
11998-000070	Surface mounted wall cabinet with alarm, steel finished cabinet w/ white trim	\$209.10
11998-000293	Recessed wall cabinet with alarm, steel finished cabinet w/ white trim	\$194.65
11220-000077	Semi-recessed wall cabinet with alarm, stainless steel finish	\$351.05
11220-000076	Surface mounted wall cabinet with alarm, stainless steel finish	\$385.05
11220-000078	Recessed wall cabinet with alarm, stainless steel finish	\$334.05
11210-000001	Wall mount bracket	\$78.20
11996-000017	QC REDI-PAK electrodes (1-9 pair)	\$35.70
11996-000017	QC REDI-PAK electrodes (10-49 pair)	\$31.45
11996-000017	QC REDI-PAK electrodes (50+ pair)	\$26.35
11101-000016	Replacement Infant/Child reduced energy electrodes	\$84.15
11101-000017	Infant/Child reduced energy electrode starter Kit	\$118.15
11100-000001	LIFEPATCH ECG Electrodes (1-99 pkgs of 3)	\$1.28
11100-000001	LIFEPATCH ECG Electrodes (100+ pkgs of 3)	\$1.02
11111-000014	3 Wire monitoring cable	\$170.00
	Accessory pouch for 3 wire cable and/or other accessories	\$42.50

Catalog#	Description	Price
40998-000110	Ambu res-cue mask first responder kit	\$31.45
40998-000109	Ambu res-cue key first responder kit	\$24.65
21340-000095	LIFENET DT Express V2.1	\$254.15
43600-000003	LIFENET DT Express V2 1 Upgrade Kit	\$84.15
43600-000001	CSS V6.1 System View Upgrade Kit	\$84.15
43600-000002	CSS V6.1 System View Client Upgrade Kit	\$84.15
21300-005027	IrDA Adapter for serial connection	\$62.90
21300-005026	IrDA Adapter for USB connection	\$93.50
11201-000001	LIFEPAK 1000 TRAINING SOLUTION Includes simulator, connector cable, battery and electrodes	\$565.25
26500-002156	Quick Reference Instruction Card	\$5.10
26500-000185	AED instruction card	\$5.10
26500-000268	AED CPR reference poster	\$1.70
11210-000030	3-Dimensional AED sign w/logo Acrylic 8"	\$75.00
11210-000033	3-Dimensional AED sign w/logo Acrylic 10"	\$75.00
11210-000036	AED Flat Acrylic Wall Sign 8"	\$25.50
11210-000037	AED Flat Acrylic Wall Sign 10"	\$25.50
21300-006553	LIFEPAK 1000 Defibrillator Product CD	\$21.25
26500-001964	Operating Instructions	\$12.75

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# PRICE AGREEMENT AMENDMENT INSTRUCTIONS/JUSTIFICATION Change to Award Number 68 M 00343825 Date 1/30/2006

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<b>Kit # 6</b> 99425-000014	LIFEPAK 1000-ECG Display, AHA 2005 Standard Setup, Pediatric Ready, 3 Wire, Includes one LIMnO2 non-rechargeable battery, one complete carrying case w/shoulder strap, two pair QC REDI-PAK electrodes, Infant/Child Reduced Energy Electrodes Starter Kit, 3-wire monitoring cable, accessory pouch for 3-wire cable, one pair LIFE-PATCH electrodes (3/pk) and ship kit	\$2,250.00
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26500-002156	Quick Reference Instruction Card	\$5.10
26500-000185	AED instruction card	\$5 10
26500-000268	AED CPR reference poster	\$1.70
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11210-000033	3-Dimensional AED sign w/logo Acrylic 10"	\$75.00
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11210-000037	AED Flat Acrylic Wall Sign 10"	\$25.50
21300-006553	LIFEPAK 1000 Defibrillator Product CD	\$21.25
26500-001964	Operating Instructions	\$12.75

### **Notice of Price Agreement Award**

Page 1 of 3 Printed: 2/24/2006



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS CAPITOL HILL PROVIDENCE RI 02908

MEDTRONIC INC
11811 WILLOWS RD NE
REDMOND WA 98053

AWARD Number Effective Period:
68M00343825 1/1/06 - 12/31/06

ADMINISTRATION

MASTER PRICE AGREEMENT
RELEASE AGAINST RI MPA

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O

Date: 01/30/2006

Buyer: ALMA MILLER

Shipping: F.O.B., Destination

Terms: Net 30

ADMINISTRATION
WASTER PRICE AGREEMENT
RELEASE AGAINST RI MPA

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	Department		Bid Number	Requisition Number
	ADMINISTRATION	MPA-370	B05872	
Item			Unit	Unit Price
	1/1/06 - 12/31/06 WITH THE OPTION TO RENEW FOR TWELVE (12) MONTHS, AT THE SAME PRICE, AT THE SOLE DISCRETION OF THE STATE.			
	MASTER PRICE AGREEMENT #370			
	THIS IS A NOTICE OF AWARD, NOT AN ORDER. Any quantity reference in the agreement or in the bid preceding it are estimates only and do not represent a commitment on the part of the state to any level of billing activity, other than for quantities or volumes specifically released during the term. No action is to be taken except as specifically authorized, as described herein under AUTHORIZATION AND RELEASE.			
	ENTIRE AGREEMENT - This NOTICE OF AWARD, with all attachments, and any release(s) against it shall be subject to: (1) the specifications, terms and conditions set forth in the Request/Bid Number cited herein, (2) the General Terms and Conditions of Contracts for the State of Rhode Island and (3) all provisions of, and the Rules and Regulations promulgated pursuant to, Title 37, Chapter 2 of the General Laws of the State of Rhode Island. This NOTICE shall constitute the entire agreement between the State of Rhode Island and the Vendor. No assignment of rights or responsibility will be permitted except with the express written permission of the State Purchasing Agent or his designee.			
	CANCELLATION, TERMINATION and EXTENSION - This Price Agreement shall automatically terminate as of the date(s) described under CONTRACT PERIOD unless this Price Agreement is altered by formal amendment by the State Purchasing Agent or his designee upon mutual agreement between the State and the Vendor.			
	STATEWIDE APPLICABILITY - Political Subdivisions (cities, towns, schools, quasi-public agencies), as authorized by law, may participate in this Agreement. All ordering and billing shall be between the vendor and the political subdivision (only).			

This Notice of Award/Purchase Order is issued in accordance with the specific requirements described herein and the State's Purchasing Regulations and General Conditions of Purchase, copies of which are available at www.purchasing.state.ri.us. Delivery of goods or services as described herein shall be deemed acceptance of these requirements.



STATE PURCHASING AGENT/DESIGNEE

### **Notice of Price Agreement Award**

**Award Number** 

68M00343825

**MEDTRONIC INC** 

**ADMINISTRATION** 

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11811 WILLOWS RD NE **REDMOND WA 98053** 

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS CAPITOL HILL **PROVIDENCE RI 02908** 

Date: 01/30/2006

Page 2 of 3

**AUTO. EXTERNAL DEFIBRILLATOR** 

Effective Period:

1/1/06 - 12/31/06

STATE PURCHASING AGENT/DESIGNEE

**ADMINISTRATION** 

Printed: 2/24/2006

MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA	Date: 01/30/2006  Buyer: ALMA MILLER  Shipping: F.O.B., Destination  Terms: Net 30	<mark>∨</mark> м	ASTER PRICE A ELEASE AGAINS	
Departmen	t		Bid Number	Requisition Number
ADMINISTRAT	TION	MPA-370	B05872	
Item	m			
activity against this Price Agreemes shall include usage by municipalities shall contain the following data: (1 each line item in the price agreemed agreement, vendor shall report volor of each order number.  Reports must be submitted to the Inamed in this notice, identifying the Quarterly reports shall be due 45 counting the Guarterly reports shall be due 45 counting to the termination of the agreement appossible suspension from participal AUTHORIZATION AND RELEASE provide service until such time as a ordering Agency.  A Direct Purchase Order (DPO) shousing the pricing and format set for described in the Master Blanket and Agreement, unless specifically not freight. Freight, taxes, surcharges reflected in Master Blanket.  AWARDS EXTENDING BEYOND FUNDS. CONTINUATION OF THE WILL BE AT THE DISCRETION OBY THE STATE BASED UPON DEUNSATISFACTORY PERFORMAL DISCONTINUE THE GOODS/SERFOR THE TYPE OF GOODS/SERFOR THE T	o provide the State with quarterly report. If this is a Master Price Agreemes, quasi-public agencies, schools, Billing volume in dollars and (2) quent. When there are no line items in the understanding order numbers, with the properties of the attent of the State Purchasing Agent, and other outstanding agreements and other outstanding agreements and other outstanding agreements and other outstanding agreements. In no event shall the Vendor deliver aduly authorized release documents and be created by the agency listing of the State Purchasing Agent, so and other outstanding agreements and other outstanding agreements and other outstanding agreements are also in additional State procurements. In no event shall the Vendor deliver and the Master Blanket. All pricing the interest of the contrary herein. All prices, or other additional charges will not be contracted by the agency listing and is considered to be fixed and firm the Master Blanket. All prices, or other additional charges will not be contracted by the agency listing and the contrary herein. All prices, or other additional charges will not be contracted by the agency listing and the contrary herein. All prices, or other additional charges will not be contracted by the agency listing and the contracted by the agency listing are also and the contracted by the agency listing	ent, such reports etc. All reports uantity shipped for the price that a brief description  on the present that a brief description that a brie		

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**Award Number** 

68M00343825

**MEDTRONIC INC** 

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11811 WILLOWS RD NE **REDMOND WA 98053** 

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS CAPITOL HILL **PROVIDENCE RI 02908** 

Page 3 of 3

**AUTO. EXTERNAL DEFIBRILLATOR** 

Effective Period:

1/1/06 - 12/31/06

STATE PURCHASING AGENT/DESIGNEE

Printed: 2/24/2006

	MAS1	NISTRATION FER PRICE AGREEMENT ASE AGAINST RI MPA	Date: 01/30/2006 Buyer: ALMA MILLER Shipping: F.O.B., Destination Terms: Net 30	M.	DMINISTRATION ASTER PRICE AG ELEASE AGAINS	GREEMENT
		Department			Bid Number	Requisition Number
		ADMINISTRAT	ION	MPA-370	B05872	
E	Item				Unit	Unit Price
	1.0	THIS PURCHASE ORDER IS AWA COMPLIANCE.  A PHYSICIAN'S PRESCRIPTION I  AUTOMATED EXTERNAL DEFIBER DEFIBRILLATOR, SEMIAUTOMAT	S REQUIRED IN ORDER TO OBT RILLATOR - 80403 - 000024 LIFEP TIC OPERATION, AHA VOICE PRO	AIN AN AED. AK CR PLUS	EA	1,595.00
		FOR BREATHING, ENERGY: 200 - SEE ATTACHED FOR FURTHER 'EVERY PERSON OR BUSINESS COST OF \$5000 CUMULATED VA REGARDING POLITICAL CAMPAI OF ELECTIONS EVEN IF NO REP BEEN MADE. (RI GENERAL LAW ELECTIONS, CAMPAIGN FINANC RI 02904 (401-222-2056).  DELIVERY OF GOODS OR SERVI WILL BE AUTHORIZED UPON SU NO MORE THAN MONTHLY TO T BALANCE AT END OF BLANKET I VENDOR TELEPHONE: 800-442- VENDOR FAX: 800-732-0956	ENTITY PROVIDING GOODS OR LUE IS REQUIRED TO FILE AN A GN CONTRIBUTIONS WITH THE ORTABLE CAMPAIGN CONTRIBUT-27) FORMS OBTAINED AT BOE DIVISION, 50 BRANCH AVENUITIES AS REQUESTED BY AGENCE BMISSION OF PROPERLY REND HE RECEIVING AGENCY. ANY UPERIOD IS AUTOMATICALLY CAI	FFIDAVIT RI STATE BOARD JTIONS HAVE DARD OF E, PROVIDENCE,  CY. PAYMENTS ERED INVOICES INUSED		

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described herein shall be deemed acceptance of these requirements.



Medtronic Emergency Response Systems
11811 Willows Road NE
P.O. Box 97023
Redmond, WA 98073-9723 U.S.A
www.medtronic-ers.com
www.medtronic.com
tel 800.442.1142
fax 800.732.0956

Ŀ	ine Catalog # / Description	Qty	Unit Price	Ext Total
1	80403-000024 - LIFEPAK CR Plus Defibrillator, Semiautomatic operation, AHA voice prompt: Check for breathing, Energy: 200-300-360j		\$1,595.00	\$1,595.00
	Includes: 2pr QUIK-PAK pacing/defibrillation/ECG electrodes with REDI-PAK preconnect system, 1 CHARGE PAK, AMBU Mask and 1 installed protocol card. Compatible with Infant/Child Reduced Energy Defibrillation Electrodes. 5yr warranty.			
2	80403-000023 - LIFEPAK CR Plus Defibrillator, Fully automatic operation, AHA voice prompt: Check for breathing, Energy: 200-300-360j		\$1,695,00	\$1,695.00
	Includes: 2pr QUIK-PAK pacing/defibrillation/ECG electrodes with REDI-PAK preconnect system, 1 CHARGE PAK, AMBU Mask and 1 installed protocol card: Compatible with Infant/Child Reduced Energy Defibrillation Electrodes. 5yr warranty.			
3	80427-000006 - PACKAGE, LP EXPRESS, AUTO, CHECK FOR BREATHING		/\$1,395.00	\$1,395.00
	Includes one pair QUIK-PAK pacing/defibrillation/ECG electrodes with REDI-PAK preconnect system, charge pak, one protocol card installed in the device, and operating instructions. 5-year warranty.			
4	81401-000001 - LIFEPAK 500 AED, two- button operation, ADAPTIV biphasic and accessories.		\$1,795.00	\$1,795.00
	Includes: Ship Kit with 2 Quik Combo/Redi-Pak, plus 1 Lithium Battery (Non-rechargeable) and 1 Soft Case. Compatible with Infant/Child Reduced Energy Defibrillation Electrodes. 5yr warranty.			
	26500-001011 - LIFEPAK 500 Setup Instructions, English		\$0.00	\$0.00

#### Quote Products (continued)

Line Catalog # / Description Qty 81401-000005 - LIFEPAK 500 DPS AED, twobutton operation, ADAPTIV biphasic and accessories. Includes: Ship Kit with 2 Quik Combo/Redi-Pak, plus 1 Lithium Battery (Non-rechargeable), 1 Soft Case, and 1 Ambu Res-Cue Kit with Mask. Compatible with Infant/Child Reduced Energy Defibrillation Electrodes. 5yr warranty. 11403-000002 - Replacement kit for 7 CHARGE-PAK charging unit and one QUIK-PAK electrodes set QUIK-PAK pacing/defibrillation/ECG electrodes. Includes 1 set electrodes and 1 CHARGE-PAK charging unit. 11403-000001 - Replacement kit for 8 CHARGE-PAK charging unit and two QUIK-PAK electrodes sets EN,DE,IT,FR,NL,SE,PT,SV,DA,FI,NO,PO,HU,Z H,KO,JA QUIK-PAK pacing/defibrillation/ECG electrodes. Includes 2 sets electrodes and 1 CHARGE-PAK charging unit. 11101-000017 - Infant/Child Reduced Energy 9 Electrode starter kit For use only with LIFEPAK 500 Biphasic or LIFEPAK CR Plus AEDs. 11101-000016 - Replacement Infant/Child 10 **Reduced Energy Electrodes** For use only with LIFEPAK 500 Biphasic or LIFEPAK CR Plus AEDs. 11 21300-004576 - Soft-shell carrying case for CR Plus 40998-000110 - Ambu Res-Cue Mask First 12 Responder Kit includes 2 sets of disposable vinyl gloves, a reusable mouth barrier mask with valve and filter, a disposable razor, a disposable anti-microbial wipe, and 1pr of trauma scissors. Can be attached to LIFEPAK 500 handle. 11998-000292 - Semirecessed wall cabinet with siren Works with LIFEPAK 500 and includes optional CR Plus mounting bracket. Steel finish wall cabinet with white trim. Partially recess trim style. 11998-000070 - Surface mount wall cabinet with siren

Works with LIFEPAK 500 or CR Plus AEDs. Steel finish wall cabinet with white trim. Surface mounted trim style.

Quote#:

1-62473393

Rev#: Quote Date:

. - 17 -

12/12/2005

Quote Date:	12/12/2005		
		Unit Price	Ext Total
		\$1,895.00	\$1,895.00
			Ψ.,033.00
		\$68.00	\$68.00
		\$84.15	\$84.15
		\$118.15	\$118.15
		\$84.15	\$84.15
		\$50.15	\$50.15
		\$31.45	\$31.45
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		\$226.95	\$226.95
		\$209.10	\$209.10
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Quote Products (continued)

Quote#:

1-62473393

Rev#: Quote Date:

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12/12/2005

Lin	e Catalog # / Description	<b>O</b> ty	Unit Price	Ext Total
15	11998-000293 - Fully recessed wall cabinet with siren		\$194.65	\$194,65
	Works with LIFEPAK 500 or LIFEPAK CR Plus AE Steel finish wall cabinet with white trim.	EDs.		
16	11210-000021 - Wall Bracket for LIFEPAK CR Plus Defibrillator		\$70.55	\$70.55
17	11250-000031 - LIFEPAK CR Plus Training System		\$254.15	\$254.15
	Includes: AED Trainer, remote control and cable, simulated CHARGE-PAK, 5 sets of training electron carrying case, shock button cover, operating instrue and batteries for the trainer and remote control. Mir semiautomatic and automatic operation.	ctions		
18	11250-000007 - LIFEPAK 500T AED Training System		\$254.15	\$254.15
	Includes 1 AED Trainer, remote control and cable, simulated battery pak, training electrodes, carrying (soft-sided, gray), AED Instruction Card, Operating Instructions, and batteries for AED Trainer and remocontrol.	얼마를 되는 뭐에 나를 잃었는 나가는 말이		
19	11141-000013 - LIFEPAK 500 non- rechargeable lithium sulfur dioxide battery pak		\$206.55	\$206.55
	Nonrechargeable lithium battery. For use with the LIFEPAK 500 AED.			
20	11996-000017 - QUIK-COMBO w/REDI-PAK Electrodes		\$35.70	\$35.70
	Edge System electrode with REDI-PAK preconnect system. Price per pair			

## TO PLACE AN ORDER, PLEASE FAX A COPY OF THE QUOTE/PURCHASE ORDER TO FAX # 800-732-0956, ATTN: SALES SUPPORT.

MEDTRONIC REQUIRES WRITTEN VERIFICATION OF THE ORDER OR A PURCHASE ORDER. PLEASE CHECK ONE:

PURCHASER HAS A PURCHASE ORDER SYSTEM.

PURCHASER DOES NOT HAVE A PURCHASE ORDER SYSTEM AND THE UNDERSIGNED IS AUTHORIZED TO ACCEPT THIS ORDER ON THE TERMS AND PRICES QUOTED HEREIN. SIGN TO THE RIGHT:

<u> </u>	Control of the second of the second	
CUSTOMER APPRO	DVAL (SIGNATURE)	
<u> </u>		
NAME		
TITLE		
DATE		

Ref. Code: CB/03076101/1-1138O9

#### Notes:

TAXES, FREIGHT AND HANDLING FEES WILL BE ADDED AT TIME OF SHIPMENT, IF APPLICABLE

#### TERMS AND CONDITIONS OF PRICING AGREEMENT

<u>SCOPE AND LIMITATIONS</u> - This Agreement covers requirements as described herein, ordered by State agencies during the Agreement Period. No additional or alternative requirements are covered, unless added to the Agreement by formal amendment by the State Purchasing Agent or his designee.

Under State Purchasing Law, 37-2-54, "no purchase or contract shall be binding on the state or any agency thereof unless approved by the department [of administration] or made under general regulations which the chief purchasing officer may prescribe." Under State Purchasing Regulation 8.2.1.1.2, "any alleged oral agreement or arrangements made by a bidder or contractor with any agency or an employee of the Office of Purchases may be disregarded and shall not be binding on the state."

PRODUCT ACCEPTANCE - All merchandise offered or otherwise provided shall be new, of prime manufacture, and of first quality unless otherwise specified by the State. The State reserves the right to reject all nonconforming goods, and to cause their return for credit or replacement, at the State's option.

a) Failure by the state to discover latent defect(s) or concealed damage or non-conformance shall not foreclose the State's right to subsequently reject the goods in question.

b) Formal or informal acceptance by the State of non-conforming goods shall not constitute a precedent for successive receipts or procurements.

Where the vendor fails to cure the defect promptly or replace the goods, the State reserves the right to cancel the Release, contract with a different vendor, and to invoice the original vendor for any differential in price over the original contract price.

#### ORDER AUTHORIZATION AND RELEASE AGAINST PRICING AGREEMENT

In no event shall the Vendor deliver goods or provide service until such time as a duly authorized release document is certified by the ordering Agency.

<u>State Agencies</u> shall request release as follows: All releases shall reference the Price Agreement number, the Contract Issue number, the item(s) covered, and the unit pricing in the same format as described herein.

A Department Purchase Order (DPO) listing the items ordered shall be created by the agency. The agency may mail or fax a copy of the order to the Vendor. In some cases the agency may request delivery by telephone, but must provide the Vendor with a DPO Order Number reference for billing purposes. Vendors are encouraged to require written orders to assure payments are processed accurately and promptly.

<u>DELIVERY</u> – If this is an MPA, Vendor will obtain "ship to" information from each participating agency. This information will be contained in the DPO. APA delivery information will be contained in the Notice of Award.

PRICING - All pricing shall be as described herein, and is considered to be fixed and firm for the term of the Agreement, unless specifically noted to the contrary herein. All prices include prepaid freight. Freight, taxes, surcharges, or other additional charges will not be honored unless reflected herein.

INVOICING — All invoices shall reference the DPO Order Number(s), Price Agreement number, the Contract Issue number, the item(s) covered, and the unit pricing in the same format as described herein. If this is an MPA, Vendor will obtain "bill to" information from each participating agency. This information will be contained in the DPO. APA billing information will be contained in the Notice of Award.

<u>PAYMENT</u> - Invoices for items not received, not priced according to contract or for work not yet performed will not be honored. No payment will be processed to any vendor for whom there is no IRS W-9 on file with the State Controller.